

APPROVED 09/01/2005

At 6:20 pm Chairman Cordes called the meeting to order. Present were Selectmen Gene Cordes, Peter Bolduc, and Donald Gates Jr; and Heidi Carlson.

Selectmen read through mail items.

Cordes had said he would look into the cost and further information about trees to follow-up the meeting at the Martel property on Tuesday. He said he stopped at Granite Creek Nursery and looked at several trees. He said there were several varieties that were 12 to 18 feet high maple trees, which could be planted yet this year, but would need a lot of watering, root stimulator, and have mulch around it. There is currently a 25% discount on stock, making the cost of trees between \$135 to \$300 depending on the species.

He added that the cost to deliver and install by a landscaper, could add approximately \$100 to the total cost.

Chief Janvrin came into the meeting at 6:35 pm. He met with the Selectmen to review a draft of the OHRV permit and statute information for use of town property. The permission slip, rules, and a liability waiver were reviewed and discussed at length. Progress was made in this regard and Chief Janvrin will work on some of the amendments. A checklist will also be generated so that potential applicants for permission will know all that is required to accompany their request to use town property.

Janvrin said that he was fine with Lisa Forsyth's sixth grade class using of the rear of the Safety Complex for an outdoor garden experiment. This still has to be run by Chief Heselton.

There was discussion about the safety complex parking lot as it relates to school starting. Chief Janvrin said that it had begun being used by school staff already. Selectmen indicated now that the school parking area is done, that the safety complex is to be used for emergency or overflow parking only. Chairman Cordes left a phone message for Joe Dreyer with that information and indicated that a letter would be forthcoming to follow it up.

Chief Janvrin was consulted about the fax from Mike McGill regarding closure of the North Road entrance to Risloves Way. Janvrin did not feel that the access closure was safe or properly marked. He indicated he would deliver a letter if the Selectmen drafted one to Cobb Hill Construction and Mr Rislove.

At 7:30 pm David Himmer, Attorney John Ratigan, and Chester Bearce met with the Selectmen. Mr Himmer discussed the senior housing project approved at Black Rocks Village, indicating he wanted to get it started by putting up a two-unit model home, off to the right off of the gravel road. He indicated that Hall Road is paved in the beginning and then is a gravel road. He distributed copies of a portion of the site map which applies to the area he is discussing.

This showed the area and a model home 315 feet from the edge of the pavement, which he was not planning to pave now, as underground utilities still need to be run, but he wants to get this going as a model home, not for sale or occupancy. The intent is just to have something to walk through, not to have an operating well and septic system at this time.

He is looking at a sales office in the front building and would not be using the model home for that purpose. He said the model would just be for display, and that the roadway would be accessible for emergency use, and would be maintained passable for all seasons (plowed, etc).

Selectmen asked Attorney Ratigan his thoughts about the matter. He referenced a project on North Road where a similar model home had been installed. He said he thought the primary issue was for public safety, and that could be accomplished.

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Himmer said that he wanted to do this to get the interest started in the project, and to begin promoting it, with non-binding commitments. They are still working on some State approvals for the project.

Selectmen did not have a problem with this, so long as the building would not be occupied, with a permit issued by the Building Inspector, clearly stating that there was to be no occupancy, or stay overnight, no bathrooms, cooking or water, and it would basically be a finished shell for display purposes only. To preserve the building through the winter, it would have heat and electricity.

Selectmen said it would be OK for the building Inspector to issue a permit for a display structure as indicated in Mr Himmer's sketch as per the above criteria, with an agreement signed by the Inspector and Mr Himmer. The unit cannot receive a certificate of occupancy until road is bonded, utilities are installed, etc.

Mr Himmer then discussed the park area at the corner of the property near Route 107. He said he wanted to clear it with the Town that this was the easement area for a future park, and that the old granite slabs from the original house would be used to mark the delineation of the park. Himmer said the outskirts of the area would likely continue to be mowed with his front yard, and that work could progress on the park as the Historical Society sees fit, and has funding. He said this area is currently staked out and can be viewed.

He indicated that people who might want to go there could park in his lot (behind the new structure) and there would be some type of foot path to the park area. He wanted permission from the Town to move ahead with his donation of time and materials in this regard. He has already deeded an easement to the Town for the area.

Selectmen thanked him for this work and said a letter would be forthcoming to outline the terms agreed to with regard to the park area.

Himmer, Ratigan, and Bearce left the Board's meeting at approximately 8:00 pm.

Selectmen discussed the trees at the Martel property. Cordes made a call to the Martels at 8:10 pm to offer that Town will get the "tree wound dressing" as requested, and tell them when it is here and available to be picked up; that the Town will pay up to \$250 for a tree and its installation that the Martel's can arrange and/or do it themselves, and that upon presentation of a receipt, the town will reimburse them for up to \$250 in cost. They also indicated that the Town would endeavor to bring back some branches to cover those that were cut.

Mrs Martel said she would discuss it with her husband and call the Selectmen back. Approximately five minutes later, Mr Martel called back and said that they would like to look around for a tree, and did not take the Selectmen up on their offer. Selectmen will further consider their feedback when it is presented.

OLD BUSINESS

1. Selectmen reviewed the minutes for 18 August 2005, including the recessed session of August 23, 2005. Motion was made by Bolduc and seconded by Gates to approve them as written.

2. Based on some complaints, Carlson brought to the Board's attention some issues regarding current use properties. There is some misconception about the rules and regulations surrounding current use. There are a couple of properties in particular which are only one acre beyond the required 10 acre minimum, which has caused some questions and concern. The 2005-2006 Current Use Handbook was consulted to view the law. The basis for area not in

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current use is dependent not on the minimum lot size in accord with zoning, but with the necessary area to support dwellings, driveways, groomed areas and appurtenances on property not in current use. Selectmen suggested that an article be written for a future newsletter with some of this information.

3. Selectmen signed a plan comment sheet for the Glen Oakes subdivision and lot line consolidation for return to the Planning Board.

4. The new Fire Department utility truck was picked up today. There is an invoice current of \$31,890.97 (portion to be paid by Fremont Fire Association). Selectmen indicated that the Fire Association then also needs to donate the residual value of the truck to the Town so that it is fully Town of Fremont property. (\$1,200.97).

5. Carlson advised the Board that the revaluation final data, cards, and information were dropped off last Friday. The database is in full use, and the new values are being keyed into the tax program for preparation of the MS-1 and 2005 tax data and billing.

In reviewing the new cards, there are several properties showing changes or expansions in use. These will be brought to the Code Enforcement Officer for review, with the Selectmen drafting a letter to homeowners as necessary.

6. Carlson discussed the property at 16 Sunny Lane owned by Joe Gaudet. Mr Gaudet is working on the cleanup of the property, in concert with the Building Inspector. Gaudet was going to follow-up with the Selectmen in this regard, but has yet to do so.

7. Selectmen opened three proposals received for the fall bulky day (October 15, 2005) dumpster costs. The proposals were from Bestway, Waste Management, and Haul Away. The simple dumpster costs for each was:

Best Way Disposal

Hauled to Raymond \$200 per haul / \$85 ton for disposal

Option outlined for people to bring waste directly to the Bestway facility in Raymond

Haul Away

Dumped at Turnkey \$295 per

Returned empty \$100 per

Waste Management

Hauled to Turnkey \$120 per plus 7.02% fuel charge

Selectmen opted for the Waste Management dumpster rental as it is the lowest rate. Carlson will check into that further and order containers for the fall bulky dropoff.

At 8:40 pm Martin Ferwerda came into the Board's meeting. He did not have copies of the reports received late today from Lou Caron, and was given copies and sat down to read them while the Selectmen moved along on their agenda.

At 9:00 pm Mr Ferwerda moved to the Selectmen's meeting table to review the documents from Lou Caron (letter dated today addressed to Heidi Carlson with the bond calculations, and another letter dated today addressed to the Fremont Planning Board regarding the Governor's Forest site and drainage issues.

Ferwerda said that he assumed the findings of fact on page 1 were correct. He began to address the items beginning at the bottom of page two of the letter as follows:

1. Is done
2. Is functioning as is, but they will lower it and clean it up (will lower it to the extent that they reach ledge

3. They are working on it, about ½ way up Tarah Way from Route 107, perhaps up to station 35+00
4. Additional work not in the original design, and has been done (approximately at station 30+50)
5. Concurrent with item 3 as above; the stone check dams have been rebuilt. The nature of these dams is that they do need maintenance and to be cleaned out. Once the site is fully stabilized, the need for them is gone.
6. He outlined where the work road was to the right at the top of Tarah way, and said that it will be done by September 9th.
7. Regrading of left entrance road is done.

Additionally, Ferwerda said that he could reshape the neighbors property by virtue of his drainage easement. He said that he wants to be a good citizen in this regard, and is keeping the sediment from going off of his easement (and onto the neighbor's property). He said that by addressing this issue as discussed in Caron's letter, he would have to take down the trees in front of the neighbors house. Mr Ferwerda said that the Neistorowich's own the land, and that Ferwerda has an easement which allows water to flow from his property across theirs. He said that if it gets to the point where there is a problem that cannot be resolved any other way, that he will address it. Selectmen indicated they are concerned about the sedimentation off Ferwerda's site being stopped. Ferwerda said he is more than ½ way there, and with the engineer's recommendations, they will be done by September 9th. He said he met with the engineer last Friday, and in the past four days they have made a lot of progress.

Mr Ferwerda then marked up a site map to include labeling of the bond phasing to coincide with the engineer's report. From there, Selectmen reviewed the map and the revised bond amounts.

He said that the Building Inspector thinks of this as a subdivision, which Ferwerda contends it is not. He contends that the Board of Selectmen have authority over his park in accordance with the Fremont Zoning Ordinance.

Ferwerda said that Rome Construction has brought in their truck and loaded low bed trailer and had no trouble getting into the access to the site, and that mobile homes had also been hauled to the site. Ferwerda felt that logistically, a fire truck could negotiate the turns. Ferwerda said he was more than willing to make the turn into the park at a more gradual access for the Fire Chief, but did not want a binding agreement to do so. Ferwerda said that the intersection as currently constructed is per the approved plan. He said he wants to address the public safety issues for the Fire Chief, but needs the money reduced from the bond to do so.

In terms of other changes to the bonding, Ferwerda needs a number to bond from Tarah Way onto Linda Lane to the cistern location, and pull out of the estimate the area identified as Linda "Linda D." The number for the gravel operation is due to be completed by Lou Caron tomorrow, and that also needs to be added to the bond renewal. Ferwerda said he would get two separate irrevocable letters of credit, one for road and infrastructure, and one for the gravel reclamation. He was advised that an insurance bond would not be acceptable.

Gates asked Ferwerda about the mail box in the center island of Tarah Way. Ferwerda said that he had an engineer from the California Department of Transportation design the mail island. Ferwerda said that there will be a stop sign and crosswalk in this area, so that everyone has to stop there, and the speed limit leading it up to it is 15 mph. Mr Ferwerda did say that the mail house is not on the approved site plan.

The Fire Chief and Town Engineer had both offered opposition to the mail house being constructed in that island. Ferwerda said that he is worn out for the argument and will move it

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if that is what the Town says to do. It was suggested that the mailbox be placed in an area where people can pull off the road to get to it, and that it should be on his approved site plan and approved by the Planning Board.

He said he would get the stop sign installed soon at the intersection of Route 107 and Linda Lane. He thought the cistern would be complete and the area to it, paved, by next week. He agreed to cover this in the bond, as well as reconfiguration of the "T" intersection at Tarah and Linda; and the Selectmen agreed that Linda Lane from the hydrant to Sharon Way to Tarah Way could be eliminated from the bond estimate at this time. No building permits are to be issued in this location (or on Sharon Way) until the bonding is in place or the road built. Ferwerda also agreed to keep all of the roads, including the construction road around to the right (area of the future Sharon Way) fully plowed and accessible during all seasons.

Ferwerda agreed that he will move the mail house from the island, get PB approval on it, get a letter in writing to the Town outlining the turning radius agreement with the Fire Chief (and how it will be altered, and will get a letter of credit for all remaining infrastructure items. Additionally, the turning radius and intersection of Tarah Way and Linda Lane needs to be reconfigured for an easier turn as well. This will be discussed with Lou Caron for the bond estimate.

Mr Ferwerda scheduled an appointment for 7:30 pm next Thursday evening, and left the meeting at approximately 10:00 pm.

NEW BUSINESS

1. Selectmen reviewed and approved the payroll manifest \$19,617.40 and accounts payable manifest \$29,840.32 dated August 25, 2005. Two copies of each were signed.
 2. Carlson passed on a message to Selectmen from the Road Agent, in which he requests they look at two trees he feels are dead and potentially dangerous at the intersection of Sandown Road and Kelly Lane (closest to Whittier Drive) to determine if they should be cut. Holmes said he believes they are on private property. Selectmen did not feel the Town should cut trees on private property, if they are indeed. Members will look at this area and then decide on sending a follow-up letter to the property owner as warranted.
 3. Selectmen signed an MS-1 extension form to allow for time necessary to complete the revaluation data entry.
 4. Board members reviewed a Kenniston Lane bond reduction from L C Engineering. The Road Agent has not approved it yet, pending receipt of the paving tonnage slip for verification. Motion was made by Gates to conditionally approve this bond reduction in the amount of \$58,201 with Guerwood Holmes accepting the engineers report within seven days from today. If he has not decided on it by then, Selectmen will review it again at their meeting next week for a final decision.
 5. Members reviewed a Cooperage Forest bond reduction from Vollmer Associates. The Road Agent has signed off on approval of this reduction in the amount of \$524,461. The Planning Board also reviewed and approved it last night. Given that information, Selectmen also approved the reduction and a letter will be sent to Saugus Bank in care of Mr Wilder in that regard.
- Thom Roy had left a message for the Selectmen to inform them that septic and building permit applications have been submitted for the Cooperage Forest project, and they are pending finalization of the lot line adjustment matters which were a condition of the subdivision approval.

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6. Binders of the Parks & Recreation Summer Camp Program year end reports and documentation have been received from Robin Lee.
7. Selectmen signed outgoing correspondence to Carol Locke re: land acreage. This was sent with an abatement application.
8. Selectmen reviewed the folder of incoming correspondence.
9. Selectmen received a letter dated August 22, 2005 from Mary Hollins regarding a pothole on Sandown Road that she hit approximately one week ago while driving at night. She had called the office to report it on Wednesday August 17, 2005 during the noon hour, and when Carlson called Leon Holmes to see about it, it had already been fixed (earlier in the morning). At that time, Carlson advised Ms Hollins to send the Selectmen a letter as she was requesting reimbursement from the Town for the damage done to one of her tires. Selectmen will gather some further information but do not feel this is an item the town can reimburse the cost of. No action was taken at this time.

OTHER BUSINESS

1. Bolduc discussed the Planning Board meeting last evening, including Chairman Kevin Herrmann taking a few months leave of absence. He also discussed the other plans approved last night.
2. Selectmen discussed a fax received yesterday from Mike McGill of Cobb Hill Construction regarding his decision to shut down the North Road entrance to Rislove's Way. Selectmen did not believe this could be done, given that the subdivision was approved as a through road. Selectmen will draft a letter and sign it tomorrow.
3. Selectmen reviewed a letter from Mary Jo Gleed. The Board decided to refer this letter to the Town Clerk as a personnel issue.
4. The Selectmen discussed holding another Veteran's Open House on Thursday November 10, 2005 from 5:30 to 7:00 pm, in observance of Veteran's Day and any soldiers returning home. This will take place prior to a regular Selectmen's meeting.
5. Selectmen reviewed the DD 214 received from Donald Cooper to complete his application for Veteran Credit. Given the qualifying service dates, Mr Cooper's application was approved and signed for the 2005 tax year. This is for property at map 7 lot 31 at 5 Riverside Drive.
6. Selectmen reviewed an elderly exemption application and veteran credit application from Harold & Virginia Snow. Some residency verification information is needed to complete review of the application, and some pages of the elderly application are also missing. A follow-up letter will be sent to the Snows.

NEXT WEEK

The next regular Board meeting will be held on Thursday September 1, 2005 at 6:00 pm.

Selectmen will come into the office on Friday to sign the follow-up letter to Mike McGill regarding Rislove's Way and a letter to Ms Gleed. They will also sign a memorandum regarding the Himmer discussions.

Respectfully submitted,

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Heidi Carlson
Town Administrator

C: PD FD PB BI EM SB RS HO HW